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11 JESSE HERRING and CARL MCKNIGHT

12 IN THE UNITED STATES DISTRICT COURT

13 FOR THE EASTERN DISTRICT OF CALIFORNIA, FRESNO

14 TIA VANG, YER XIONG, ) CASE NO. 1: 05 CV 161 REC-DLB  
15 Plaintiffs, )  
16 vs. ) STIPULATED PROTECTIVE ORDER  
17 FRESNO POLICE OFFICERS, CARL ) RE: AUTOPSY PHOTOGRAPHS AND  
18 McKNIGHT, JESSE HERRING and DOES ) AUTOPSY REPORTS OF DECEDEDENT  
19 1-50, ) DEANE VANG, TAKEN BY OR  
20 Defendants. ) AT THE DIRECTION OF THE FRESNO  
 ) COUNTY CORONER'S OFFICE  
\_\_\_\_\_  
)

21 It is stipulated by and between the parties through their respective counsel and ordered  
22 by the Court that the County of Fresno may release to counsel in this case, all photographs taken  
23 by or at the direction of the Fresno County Coroner's Office in connection with the death of  
24 Deane Vang, including but not limited to, autopsy reports and autopsy photographs. Based on  
25 the foregoing, IT IS HEREBY STIPULATED:

26 1. The subject documents are to be designated as "Confidential Material." Such  
27 designations shall be made by stamping or otherwise marking the material prior to use in this  
28 litigation, as follows: "Confidential material subject to protective order."

1           2. The "Confidential Material" shall be used solely in connection with this litigation  
2 in the preparation and trial of this case, or any related proceeding, and not for any other purpose  
3 or in any other litigation.

4           3. The "Confidential Material" may be disclosed only to the following persons:  
5               a) counsel for any party to this action;  
6               b) paralegal, clerical, and secretarial personnel regularly employed by counsel  
7 referred to in (a), including stenographic deposition reporters retained in connection with this  
8 action;  
9               c) court personnel including stenographic reporters engaged in proceedings as  
10 are necessarily incidental to preparation for the trial of this action;  
11               d) any outside expert or consultant retained in connection with this action and  
12 not otherwise employed by either party;  
13               e) any in-house expert designated by all Parties to testify at trial in this matter;  
14               f) witnesses may have the documents disclosed to them during deposition  
15 proceedings, arbitration and/or trial, only; the witnesses may not leave the deposition, arbitration  
16 or trial with copies of the documents, and shall be bound by the provisions of paragraph 4;  
17               g) the finder of fact at the time of trial subject to the court's rulings on in limine  
18 motions and objections of counsel.

19           4. Each person to whom disclosure is made with the exception of counsel who are  
20 presumed to know of the contents of this protective order shall, prior to the time of disclosure,  
21 be provided by the person furnishing him/her such material, a copy of this order, and shall agree  
22 on the record or in writing that he/she has read the protective order and that he/she understands  
23 the provisions of the protective order. Such person must also consent to be subject to the  
24 jurisdiction of the United States District Court, Eastern District of California, Fresno with  
25 respect to any proceeding related to enforcement of this order, including without limitation, any  
26 proceeding for contempt. Provisions of this order insofar as they restrict disclosure and use of  
27 the material shall be in effect until further order of this Court.

28           5. Any document filed with the Court that reveals confidential material shall be

1 filed under sealed label with a cover sheet as follows: "This document is subject to a protective  
2 order issued by the Court and may not be copied or examined except in compliance with that  
3 order." Such documents shall be kept by the Court under seal and made available only to the  
4 Court or counsel.

5       6. At the conclusion of this litigation, all confidential material received under the  
6 provisions of this order, including copies made, shall be destroyed. The conclusion of litigation  
7 means the termination of the case following applicable post-trial motions, appeal and/or retrial.

8 **IT IS SO AGREED.**

9  
10 Dated: May 27, 2005

/s/ James C. Holland

James C. Holland,  
Attorney for Plaintiffs

12 **IT IS SO AGREED.**

13  
14 Dated: May 25, 2005

WEAKLEY, RATLIFF, ARENDT &  
McGUIRE, LLP

16 By: /s/ James D. Weakley

James D. Weakley  
Attorneys for Defendants

18       **IT IS SO ORDERED.**

19 **Dated: June 3, 2005**  
20 3b142a

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE